

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Target Corporation Customer Data
Security Breach Litigation

This Document Relates to:

All Consumer Cases

MDL No. 14-2522 (PAM/JJK)

**CONSUMER PLAINTIFFS' MOTION FOR CERTIFICATION OF A
SETTLEMENT CLASS AND PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Consumer Plaintiffs, by their undersigned counsel, respectfully move for an Order pursuant to Rule 23(e) and 23(g) of the Federal Rules of Civil Procedure:

(1) Certifying the proposed Settlement Class defined, as provided in the Settlement Agreement and Release entered into by Consumer Plaintiffs and Target Corporation ("Settlement"), as:

All persons in the United States whose credit or debit card information and/or whose personal information was compromised as a result of the data breach that was first disclosed by Target on December 19, 2013.

Excluded from the class are the Court, the officers and directors of Target, and persons who timely and validly request exclusion from the Settlement Class.

(2) Preliminarily approving the Settlement as being within the range of possible approval and warranting notice of the Settlement be provided to the Settlement Class;

(3) Appointing Consumer Plaintiffs listed in Exhibit 8 of the Settlement Agreement as Settlement Class Representatives;

(4) Approving the proposed form and manner of notice to the Settlement Class as set forth in the Settlement;

(5) Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, appointing as Settlement Class Counsel Consumer Plaintiffs' Lead Counsel, Vincent J. Esades, Heins Mills & Olson, P.L.C.; Consumer Plaintiffs' Liaison Counsel E. Michelle Drake, Nichols Kaster, PLLP; Consumer Representative on the Executive Committee John A. Yanchunis, Morgan & Morgan Complex Litigation Group, PA; and Consumer Plaintiffs' Steering Committee members Daniel C. Girard, Girard Gibbs LLP, Ariana J. Tadler, Milberg LLP; and Norman E. Siegel, Stueve Siegel Hanson LLP.

(6) Appointing Rust Consulting, Inc., as Settlement Administrator;

(7) Staying the proceedings in all the Consumer Actions consolidated for pretrial purposes in this MDL proceeding (except any matters necessary to implement or further approval of the Settlement) until such time as the Court renders a final decision regarding the approval of the Settlement and, if it approves the Settlement, enters its final judgment, and, pending the final approval hearing, enjoining Settlement Class members from filing or prosecuting any other lawsuit or proceeding relating to the Target data breach or the claims asserted in the Consumer Actions in this MDL litigation; and

(8) Scheduling a final approval hearing during which the Court will consider whether the Settlement should be approved as fair, reasonable and adequate; whether Consumer Plaintiffs' application for an award of attorneys' fees, reimbursement of expenses and approval of service awards for Settlement Class Representatives should be

granted; and whether a final judgment approving the Settlement and dismissing the Consumer Actions with prejudice should be entered.

This Motion is based upon the Settlement, Consumer Plaintiffs' Memorandum in Support of Motion for Certification of Settlement Class and Preliminary Approval of Class Action Settlement, the Declaration of the Honorable Arthur J. Boylan (Ret.), the Declaration of Vincent J. Esades, the Declaration of Shannon R. Wheatman, Ph.D. on Adequacy of Notices and Notice Plan, the Declaration of Larry Ponemon, Ph.D., and all files, records and proceedings herein and such additional evidence or argument as may be presented to the Court.

Pursuant to LR 7.1(a), the parties have conferred and Defendant's Counsel has advised Consumer Plaintiffs' Counsel that Defendant does not oppose this Motion.

WHEREFORE, based on the foregoing, and for the reasons set forth in the accompanying Memorandum, Consumer Plaintiffs respectfully urge the Court to grant this Motion.

Dated: March 18, 2015

Respectfully submitted,

s/ Vincent J. Esades
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